



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JAN 18 2005

Baker Botts L.L.P.
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980

MAILED
JAN 18 2005
OFFICE OF THE DIRECTOR
TC 3600

In re application of
Daniel R. Swanson
Application No. 10/774,093
Filed: February 6, 2004
For: SYSTEM AND METHOD OF USING RFID
DEVICES TO ANALYZE CUSTOMER
TRAFFIC PATTERNS IN ORDER TO
IMPROVE A MERCHANT'S LAYOUT

: DECISION ON PETITION
: TO MAKE SPECIAL
: (ACCELERATED
: EXAMINATION)

This is in response to the petition filed on February 6, 2004 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

The petition fails to adequately meet requirement (B), (D) and (E) above.

With regard to condition (B) the petition has failed to include an election without traverse or a statement that applicant will elect without traverse should a restriction or election be required.

In regard to conditions (D) and (E), US 6,507,279 on page 8 of the petition is not set forth in the list of references uncovered on pages 2-4 of the petition. The article by Skrzyucki, "System's Trademark: Have a Slow Day" (item 9, page 2 of the petition) is never discussed.

For the above stated reason, the petition is **DISMISSED**.

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Applicant should promptly submit a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/jwk: 1/10/05